

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN RE:

ELISA ZAYAS ZAYAS

DEBTOR

CASE NO 15-07825 ESL

CHAPTER 13

**DEBTOR'S OMNIBUS REPLY TO TRUSTEE'S MOTION TO DISMISS
DOCKET NO. 83
AND MOTION TO DISMISS FILED BY MONEY EXPRESS DOCKET NO. 86**

TO THE HONORABLE COURT:

COMES NOW, ELISA ZAYAS ZAYAS, the Debtor in the above captioned case, through the undersigned attorney, and very respectfully states and prays as follows:

1. On August 05, 2020, the Chapter 13 Trustee filed a *Trustee's Motion to Dismiss*, Docket No. 83, on the grounds that the Debtor was in arrears in the confirmed Plan payments, in the above captioned case.

2. On October 16, 2020, Money Express filed a *Motion to Dismiss*, Docket No. 86, on the grounds that the Debtor was in default in the confirmed Plan payments to the Chapter 13 Trustee, in the above captioned case.

3. The Debtor respectfully states that she [the Debtor] had requested the Court to grant her extensions of time within to cure the aforementioned Plan arrears and the Court had granted the same. See: Docket No.'s 85, 91, 92.

4. The Debtor respectfully states that she has been unable to cure the Plan arrears and on this same date, December 14, 2020, the Debtor filed a request to convert the above captioned Chapter 13 case to a case under Chapter 7 of the Bankruptcy Code, Docket No. 95, in the present case.

5. Should this Honorable Court grant the Debtor's request for conversion to a case under Chapter 7, the Trustee's request for dismissal and Money Express's motion requesting dismissal, both would become "moot".

6. Based on the aforementioned, the Debtor respectfully requests this Honorable Court that upon conversion to a case under Chapter 7, to deny the Trustee's motion for dismissal, Docket No. 83 and Money Express's *Motion to Dismiss*, Docket No. 86 since upon conversion to Chapter 7, said motions for dismissal become "moot".

WHEREFORE the Debtor respectfully prays that based on the above stated grounds, the Trustee's motion for dismissal, Docket No. 83 and Money Express's *Motion to Dismiss*, Docket No. 86, be denied.

I HEREBY CERTIFY that on this same date a copy of this notice was sent via electronically with the Clerk of the Court using CM/ECF systems which will send notifications of such to the Chapter 13 Trustee Alejandro Oliveras Rivera, Esq., the the US. Trustee's Office; Maricarmen Colon Diaz, Esq., Counsel for Money Express; and also I certify that I have mailed by United States Postal Service copy of this motion to the following non-participant: the Debtor, Elisa Zayas Zayas, HC 20 Box 26375 San Lorenzo PR 00754, in the above captioned case.

RESPECTFULLY SUBMITTED. In San Juan, Puerto Rico, this 14th day of December, 2020.

/s/ **Roberto Figueroa Carrasquillo**

USDC #203614

RFIGUEROA CARRASQUILLO LAW OFFICE PSC

ATTORNEY FOR the DEBTOR

PO BOX 186 CAGUAS PR 00726-0816

TEL 787-744-7699 787-963-7699

FAX 787-746-5294

EMAIL: rfe@rfigueroalaw.com